



Applicant's Docket No. 2331/124

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael P. Bevilacqua, Danute M. Bankaitis-Davis, John C. Cheronis,  
and Victor Tryon

Application No.: 10/772,783

Group No.: not assigned

Filed: February 5, 2004

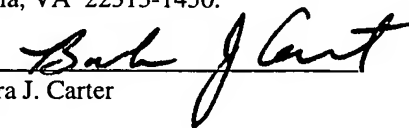
Examiner: not assigned

For: Systems and Methods for Characterizing a Biological Condition or Agent Using Selected  
Gene Expression Profiles

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper and fee referred to as being attached or enclosed is being deposited with the  
U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope  
addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: July 2, 2004

  
Barbara J. Carter

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CORRECTION OF INVENTORSHIP  
UNDER 37 C.F.R. § 1.48(f)(1)**

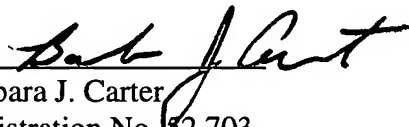
Dear Sir:

The enclosed declaration is being filed with regards to the above patent  
application. We point out that under 37 C.F.R. §1.48(f)(1), the later submission of an  
executed oath or declaration under §1.63 during the pendency of a non-provisional  
application automatically acts to correct the earlier incorrect identification of  
inventorship. Please, therefore, note the inclusion of John C. Cheronis and Danute M.  
Bankaitis- Davis as inventors for this application.

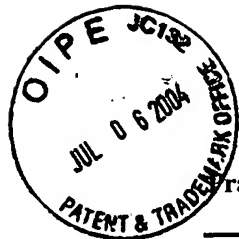
If any extension of time are necessary or if additional fees are required for the  
timely consideration of this application, please charge deposit account number 19-4972.

Respectfully submitted,

Date: July 2, 2004

  
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**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

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As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for a divisional application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

Systems and Methods for Characterizing a Biological Condition or Agent Using Selected Gene Expression Profiles

**SPECIFICATION IDENTIFICATION**

The specification was filed on February 5, 2004, as Serial No. 10/772,783.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
(35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/141,542	June 28, 1999
60/195,522	April 7, 2000



**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)  
UNDER 35 U.S.C. 120**

I hereby claim the benefit, under Title 35, United States Code, § 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37, Code of Federal Regulations, § 1.56 and that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application. (37 C.F.R. § 1.63(e)).

<b>PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:</b>				
<b>U.S. APPLICATIONS</b>		<b>Status</b>		
<b>U.S. APPLICATIONS</b>	<b>U.S. FILING DATE</b>	<b>Patented</b>	<b>Pending</b>	<b>Abandoned</b>
1. 09/821,850	29 MAR 01	X		
2. 09/605,581	28 JUN 00			X

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

<b>APPOINTED PRACTITIONER(S)</b>	<b>REGISTRATION NUMBER(S)</b>
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Samuel J. Petuchowski	37,910
Jeffrey T. Klayman	39,250
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Jay Sandvos	43,900
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John L. Conway	48,241
Barbara J. Carter	52,703
Charlton Shen	54,442
Kenneth S. Sachar	54,418

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**SEND CORRESPONDENCE TO**

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**DIRECT TELEPHONE CALLS TO:**

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Since this filing is a divisional there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

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John C. Cheronis

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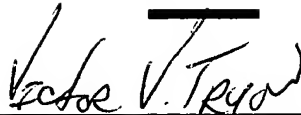
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